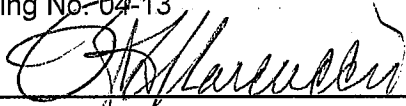
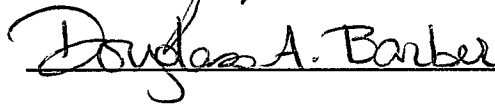


APPROVED: Meeting No. 04-13

ATTEST:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND

October 8, 2012

7:00 p.m.

Meeting No. 32-12

PRESENT:

Mayor Phyllis Marcuccio, Councilmember John F. Hall, Jr., Councilmember Tom Moore, Councilmember Bridget Newton, and Councilmember Mark Piezchala.

STAFF PRESENT:

City Manager Barbara Matthews, City Clerk/Treasurer Doug Barber, and City Attorney Debra Daniel.

1. Convene

The Mayor and Council convened in a regular meeting at 7:00 p.m. on Monday, October 1, 2012, in City Hall, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

Mayor Marcuccio led the Pledge of Allegiance.

3. Agenda Review

City Clerk Barber advised there were no changes to the agenda.

4. City Manager's Report

City Manager Barbara Matthews reported the City of Rockville received a Sustainable Maryland Certified Award from the Environmental Finance Center at the University of Maryland and the Maryland Municipal League.

City Manager Matthews reported that the fall leaf collection would begin on October 15, 2012, and continue into December. Ms. Matthews encouraged residents to review Rockville Reports

or the City website for the dates of leaf removal in their neighborhoods. She concluded by inviting all to participate in the October 20, 2012, grand opening of the City's new Police station.

5. Appointments/Reappointments and Announcement of Vacancies

Mayor Marcuccio announced the appointment of Richard Carnot Adrien to the Human Rights Commission until October 1, 2015.

Motion: To appoint Richard Carnot Adrien to the Human Rights Commission as a member until October 1, 2015..

Moved by Councilmember Hall, seconded by Councilmember Pierzchalan, and unanimously approved.

Mayor Marcuccio read the vacancies for the following Board and Commissions: Human Services Advisory Commission, Planning Commission, Sign Review Board, and Traffic and Transportation Commission.

6. Proclamation Declaring October as Community Planning Month in the City of Rockville

Councilmember Newton read the proclamation.

Motion: To proclaim October 2012 as Community Planning Month in the City of Rockville.

Moved by Councilmember Newton, seconded by Councilmember Hall and unanimously approved.

David Hill, Chairman of the Planning Commission, accepted the proclamation on behalf of all active and former commissioners. Mr. Hill noted that in recognition of October as Community Planning Month, the City is holding a photo contest in conjunction with the American Planning Association called "My Favorite Rockville Places" and details could be found on the City's website.

7. Citizens' Forum

<i>Citizen</i>	<i>Issue</i>
Brian Barkley	Zoning Ordinance Text Amendment Change concerns
Michael Rose	Expressed his thanks to the Mayor and Council for their work in and for the City. He closed by noting a potential architect and resource for the City.

8. Mayor and Council's Response to Citizen's Forum and Announcements

No comments.

9. Public Hearing on the Proposed Ordinance that Repeals and Re-Enacts the City's Fire Safety Code (Chapter 9) by Adopting the Provisions of the State of Maryland Fire Prevention Code with Local Amendments.

The Mayor and Council convened in Public Hearing on the Proposed Ordinance that Repeals and Re-Enacts the City's Fire Safety Code (Chapter 9) at 7:18 p.m. Mayor Marcuccio verified with the City Clerk that the public hearing had been properly advertised.

The Mayor and Council heard testimony from the following speakers:

- (1) Michael Rose, resident

The complete testimony of the speaker can be found in the official public hearing file of the Mayor and Council in the City Clerk's Office.

Mayor Marcuccio indicated that the public record would remain open until October 19, 2012, at 5:00 p.m.

Aaron Smith, Fire Plans Examiner, provided a brief update on the process the City is following to update and amend the City's Fire Code, Chapter 9, by adopting the requirements of the State Fire Code, codifying some of Rockville's Best Practices and aligning the City's Fire Code with the Building Code and some requirements of the County and the City of Gaithersburg. Mr. Smith noted that a number of comments have been received by the City's Fire Codes Advisory Committee. The City of Rockville will be falling in line with the State that requires updates every three years. The public record will remain open until October 19, 2012, and all comments received will be brought back to the Mayor and Council for Discussion and Instructions on October 29, 2012.

There being no other person wishing to speak, the Mayor and Council closed the public hearing at 7:23 p.m.

10. Public Hearing on Rockville Housing Enterprise's Proposal to Purchase Fireside Park Apartments to Preserve Mixed-Income, Affordable Rental Housing in the City of Rockville

The Mayor and Council convened in Public Hearing on Rockville Housing Enterprise's Proposal to purchase Fireside Park Apartments at 7:24 p.m. Mayor Marcuccio verified with the City Clerk that the public hearing had been properly advertised.

Erin Wilson, City Housing Planner and Ms. Ruth O'Sullivan, Director of Rockville Housing Enterprises (RHE), gave the Mayor and Council a brief presentation to summarize what Rockville Housing Enterprise is requesting from the City. After responding to a few additional questions, the Mayor and Council heard testimony from the following speakers:

- (1) Erik Read, resident of Waddington Park
- (2) Tim Foley, resident of Waddington Park
- (3) Agnes Saenz, Executive Director for Community Ministries of Rockville
- (4) Amy Soldavini, Executive Board Member of Community Ministries and resident
- (5) James Vitol, resident
- (6) John Hansman – resident
- (7) Arthur Katz, New Mark Commons resident
- (8) Lillian Rosenbaum, New Mark Commons resident
- (9) Cathy Berman, New Mark Commons resident
- (10) Richard Berman, New Mark Commons resident
- (11) Brian Shipley, resident who presented testimony on behalf of Noreen Bryan and Dennis Cain
- (12) Jack Gelin, resident
- (13) Natalie Laroche, Fireside resident
- (14) Bob Treseler, resident
- (15) Elaine Carney, resident
- (16) Martin Roth, (aided by interpreter) resident
- (17) Elizabeth Weintraub, resident
- (18) Joyce Lipman, resident
- (19) Carole Fried, Member of Jubilee Housing Committee
- (20) Carolyn Post, Jubilee Foundation Board of Directors
- (21) Jason Mitchell, resident
- (22) Temperance Blalock, resident
- (23) Roald Schrack, New Mark Commons resident
- (24) Bernard Brown, New Mark Commons resident
- (25) Jan Seilhamer, Rockville City Police Officer and Representative for Fraternal Order of Police Lodge 117.
- (26) Sima Osdoby, New Mark Commons resident
- (27) Margaret Chao, New Mark Commons resident
- (28) James Booker, Case Manager with Community Ministries
- (29) Ken Sandin, New Mark Commons resident
- (30) William Levee, New Mark Commons resident
- (31) Tom Hernandez, Waddington Park resident
- (32) Sarah Dickinson, Fireside resident
- (33) Faye Wong, resident
- (34) Doug Reinhart, East Rockville resident
- (35) Ms. Nancy Neal, Long & Foster Realtor and New Mark Commons resident
- (36) Lynn Parker, resident
- (37) Christina Ginsburg, Twinbrook Citizens Association President

- (38) Judy Miller, resident
- (39) Theresa Defino, resident

The complete testimony of the speakers can be found in the official public hearing file of the Mayor and Council in the City Clerk's office.

City Housing Planner Wilson advised the Mayor and Council that staff is working on responses to frequently asked questions and noted that the due diligence period has not started in response to Councilmember Pierzchala. Ms. Wilson noted that RHE is anxious for a decision from the Mayor and Council and is proposing to have a discussion on October 15, 2012, and a decision that same evening if the Mayor and Council are in that position.

Ms. O'Sullivan responded to Councilmember Newton on when the appraisal would be completed by stating that the bank had been given the starting fee to begin the process and the appraisal and physical needs assessment should be completed within three or four weeks.

Ms. O'Sullivan further responded to those concerned about the possibility of a voucher program at Fireside Park. The voucher program is a federally funded program for which RHE has been under-funded and there is no money to add to the supply in the City of Rockville, so the voucher program is not a viable option for Fireside Park Apartments.

Mayor Marcuccio indicated that the public record would remain open until October 15, 2012.

There being no other persons wishing to speak, Mayor Marcuccio closed the public hearing at 10:10 p.m.

Note for the Record: The Mayor and Council took a brief recess at 10:11 p.m. The meeting reconvened at 10:31 p.m.

Note for the Record: The Mayor and Council agreed to move Agenda Item #13 (Discussion – State of the FY14 General Fund Budget) to the next scheduled meeting.

11. **Introduction of Ordinance to Repeal and Re-enact with Amendments Chapter 19 of the Rockville City Code entitled "Sediment Control and Stormwater Management" so as to Comply with the Requirements of the Code of Maryland Regulations (COMAR) 25.17.01 and the 2011 Maryland Standards and Specifications: Providing for the Establishment of Specific Policies and Procedures that Require the Consideration of Sediment Control Measures at the Earliest Stages in the Planning Process and the Integration of Sediment Control and Stormwater Management Measures into the Development Program; and to Further Amend chapter 19 by Adding Certain New Definitions; and by Generally Reorganizing, Revising and amending the provisions of chapter 19 of the Rockville City Code**

Councilmember Hall introduced the Ordinance to Repeal and Re-enact with Amendments Chapter 19 of the Rockville City Code entitled "Sediment Control and Stormwater Management" so as to Comply with the Requirements of the Code of Maryland Regulations (COMAR) 25.17.01 and the 2011 Maryland Standards and Specifications: Providing for the Establishment of Specific Policies and Procedures that Require the Consideration of Sediment Control Measures at the Earliest Stages in the Planning Process and the Integration of Sediment Control and Stormwater Management Measures into the Development Program; and to Further Amend chapter 19 by Adding Certain New Definitions; and by Generally Reorganizing, Revising and amending the provisions of chapter 19 of the Rockville City Code.

Environmental Policy Analyst Ray with the Department of Public Works Environmental Division, provided a brief overview of the proposed changes to Chapter 19. Mr. Ray advised that the changes being proposed would not change the substantive requirements of the previous law but is designed to organize and clarify. Mr. Ray summarized the three changes being proposed that were consist of housekeeping changes, administrative changes and State mandated changes.

Mr. Ray further stated that the proposed changes have been submitted to the Environmental Commission and a meeting with stakeholders of the development community has been held and they are awaiting comments from the Environmental Commission, stakeholders and the Maryland Department of the Environment and the comments will be incorporated. Mr. Ray recommended a public hearing be scheduled for November 19, 2012, and a closing comment period be designated for November 26, 2012.

Mr. Ray clarified for the Mayor and Council the information they had received. Mr. Ray noted that the Mayor and Council would be provided a summary of the proposed changes to help them better understand what is being proposed.

12. Discussion – Zoning Ordinance Text Amendment to Change the Approving Authority to the Mayor and Council for Some or All Development Applications in Some or All of the Town Center Area

Director of Community Planning and Development Services (CPDS) Swift addressed the Mayor and Council and provided a staff report. Director Swift responded to questions of clarification posed by the Mayor and Council. The Mayor and Council continued with a lengthy discussion and provided thoughts on the process to Director Swift. Mayor and Council directed staff to change the Level 1 to a Level 2, which is the Planning Commission review, for those properties who would apply within the Town Center Performance District. Mayor Marcuccio asked what the impacts were as far as the Town Center Master Plan. Director Swift noted that the Town Center Master Plan does not look at individual parcels and is not contrary to what the Master Plan states. The Mayor and Council further directed staff to incorporate into the Text Amendment language requiring all Home Owner Associations (HOA's) be notified of all Level 2 or higher site plans in the City.

A straw vote was taken on the Mayor and Council accepting applications that are already in the pipeline by the time the Text Amendment is enacted into law subject to textual clarification and there was a majority consensus by the Mayor and Council.

13. Discussion – State of the FY 2014 General Fund Budget

Mayor Marcuccio noted that as previously discussed in the meeting Item # 13 would be placed on the next scheduled agenda (Monday, October 15, 2012).

14. Review and Comment Regarding Mayor and Council Action Report

Councilmember Newton thanked staff for working with the community on the Maryland Avenue sidewalk/bike path running adjacent to the Victory Housing development project.

Councilmember Newton requested that the Finance Department put together a technical Cost Benefit Risk Analysis for Rockville Housing Enterprise's (RHE's) potential purchase.

Councilmember Moore mentioned that a discussion (meeting) with staff and the Gazette would be taking place on November 1, 2012, to discuss the issue of unwanted newspapers.

16. Review and Comment Regarding Future Agendas

Councilmember Pierzchala inquired if the Mayor and Council were planning to come to a decision on the Fireside Park Apartments purchase approval at next week's meeting. After further discussion and the need for additional information, City Manager Matthews suggested having a discussion with RHE and perhaps pushing the Mayor and Council discussion to October 22, 2012, to give staff adequate time to provide the Mayor and Council a fully informed agenda package.

17. Mayor and Council Liaisons to Boards and Commissions Report

Councilmember Pierzchala attended the National Lutheran Home open house. Councilmember Newton attended the Maryland Municipal League's (MML) Fall Conference in Hagerstown, Maryland.

18. Old/New Business

Councilmember Pierzchala encouraged all to attend the Rockville Summit.

19. Adjournment

There being no further business, the meeting adjourned at 12:22 a.m.

Motion: To adjourn.

Moved by Councilmember Hall, seconded by Councilmember Moore and unanimously approved.